

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:20-CR-126
Plaintiff, : Judge Michael Newman
vs. :
SHONETTE CHILDRESS, :
Defendant. :

SENTENCING MEMORANDUM

Now comes the Defendant, Shonette Childress, by and through undersigned counsel, and hereby respectfully submits this Memorandum for the Court's consideration. The following facts and information support a sentence below that recommended by the Guidelines, and one that would comply with the purposes set forth in 18 U.S.C. §3553 that are to be considered when imposing a sentence.

Respectfully submitted,

DEBORAH L. WILLIAMS,
FEDERAL PUBLIC DEFENDER

s/F. Arthur Mullins
F. Arthur Mullins (0080483)
Assistant Federal Public Defender
Fifth Third Center, Suite 490
1 South Main Street
Dayton, Ohio 45402
(937) 225-7687
Art_Mullins@fd.org
Attorney for Defendant

This offense began after Ms. Childress' mother passed away in 2014. Ms. Childress had been caring for her mother for several years, and Ms. Childress and her mother were very close. When her mother passed, Ms. Childress became clinically depressed. Since her mother's passing, she has been under the care of a psychiatrist and is on anti-depressant medication. In addition to her depression, Ms. Childress suffers from a myriad of health ailments, including cancer, congestive heart failure, as well as serious lung, liver and kidney problems. Ms. Childress is disabled, and must have oxygen to assist with her breathing. Ms. Childress was also recently hospitalized with Covid-19, but seems to have recovered from the infection.

Although Ms. Childress has some ancient criminal history related to a crack cocaine addiction that she suffered from for many years, she has been cocaine free for almost 20 years, and at age 62, Ms. Childress has a Criminal History Score of 1, placing her in Criminal History Category of I.

Ms. Childress accepts responsibility for this offense, but she wants the Court to know that she did not set out to commit fraud: The money deposited into her account allowed her to survive, and she only used it to pay her bills. At the time of her mother's passing, she was extremely depressed and unable to function, and without her mother's social security money, she would have struggled even more. Even though this offense continued over several years, it was isolated, unsophisticated and passive in nature. Given the passive nature of this offense, there does not seem to be any chance that Ms. Childress poses a risk for reoffending. Furthermore, Ms. Childress' age and health conditions also suggest that recidivism is highly unlikely. The United States Sentencing Commission's report entitled "The Effects of Aging on Recidivism Among Federal Offenders" found that the recidivism rate for offenders who are 60 years old or older with a Criminal History

Category I is only 11.3 percent.¹

Conclusion

Ms. Childress asks the Court to follow the recommended sentence of probation contained in the Presentence Report, and would also note that the United States Attorney's Office is not seeking jail time for this offense. A sentence of probation will allow Ms. Childress to focus on her health, and will also allow her to work toward paying restitution for the funds she improperly received.

Respectfully submitted,

DEBORAH L. WILLIAMS,
FEDERAL PUBLIC DEFENDER

s/F. Arthur Mullins
F. Arthur Mullins (0080483)
Assistant Federal Public Defender
Fifth Third Center, Suite 490
1 South Main Street
Dayton, Ohio 45402
(937) 225-7687
Art_Mullins@fd.org
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/F. Arthur Mullins
F. Arthur Mullins

¹ "The Effects of Aging on Recidivism Among Federal Offenders" United State Sentencing Commission. Available at <https://www.ussc.gov/research/research-reports/effects-aging-recidivism-among-federal-offenders> (last visited on March 30, 2021)